United States District Court
Southern District of Texas

ENTERED

October 18, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

CHARLES WALKER,	§	
	§	
Movant,	§	
VS.	§	CIVIL ACTION NO. 3:15-CV-280
	§	CRIMINAL ACTION NO. 3:14-CR-5
UNITED STATES OF AMERICA,	§	
	§	
Respondent.	§	
	§	

ORDER

Charles Walker has filed a motion pursuant to 28 U.S.C. § 2255 to challenge a conviction for driving with a defective brake light in a national wildlife refuge (Dkt. 17). Walker's conviction is not of the kind usually seen in Section 2255 collateral attacks— Walker was only fined $200.00 (along with a $25.00 processing fee), and Section 2255 cannot be employed to challenge the mere imposition of a fine because having to pay a fine does not by itself place a person in custody. *United States v. Segler*, 37 F.3d 1131, 1136–37 (5th Cir. 1994). This case might have entered the scope of Section 2255 when Walker apparently dug his heels in and refused to pay and Magistrate Judge Froeschner had him arrested for contempt of court. *See id.* at 1137 n.13 (leaving open the question of whether a fine can be challenged under Section 2255 if release from federal custody is conditioned on payment of the fine). But there is no need to examine that question. Walker eventually relented and paid all due amounts soon after this case was reassigned to the undersigned judge; and Magistrate Judge Froeschner ordered his release (Dkt. 16).

Walker is no longer in federal custody, so his request for relief under Section 2255 (Dkt. 17), assuming that it was ever viable, is **DENIED**. The Court also **DENIES** Walker's request that this Court issue a writ of mandamus against Magistrate Judge Froeschner (Dkt. 14). A certificate of appealability is **DENIED**. Civil Docket 3:15-CV-280 is **CLOSED**.

The Clerk will provide a copy of this order to the parties.

SIGNED at Galveston, Texas, on _____ October 17 _____, 2016.

GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE